

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

Edward Butowsky,

Plaintiff,

v.

Michael Gottlieb, et al.,

Defendants

Case No. 4:19-cv-00180-ALM-kpj

REQUEST FOR JUDICIAL NOTICE

NOW COMES Edward Butowsky, the Plaintiff, requesting that the Court take judicial notice of documents relevant to his CORRECTED MOTION TO COMPEL FEDERAL BUREAU OF INVESTIGATION TO COMPLY WITH SUBPOENA DUCES TECUM (Doc. No. 179):

On December 9, 2019, the inspector general of the U.S. Department of Justice released a report regarding part of what the SECOND AMENDED COMPLAINT describes as as the “Russia Collusion Hoax.” *See* Office of Inspector General, U.S. Department of Justice, “Review of Four FISA Applications and Other Aspects of the FBI’s Crossfire Hurricane Investigation” (<https://www.justice.gov/storage/120919-examination.pdf>). The report outlines rampant misconduct, deception, and cover-ups by FBI agents who were promoting the Russia Collusion Hoax, including tampering with evidence for purposes of obtaining a surveillance warrant.

In an order dated December 13, 2019 in the related case of *Ed Butowsky v. David Folkenflik, et al.*, Magistrate Judge Caroline M. Craven denied the Plaintiff’s motion to compel the FBI’s compliance with a nearly-identical subpoena duces tecum. *See* December 13, 2019 ORDER (Doc. No. 80), Case 4:18-cv-00442-ALM-CMC. In that same order, Judge Craven noted as follows:

...a review of Mr. Hardy's Declaration indicates the FBI did not search for records regarding Seth Conrad Rich in CART or in the FBI's email system in its WFO. Nor is there any indication before the Court the FBI searched for any of the other requests contained in the Touhy request (i.e., regarding Aaron Rich).

ORDER at 29. Judge Craven further held that the FBI did not act arbitrarily or capriciously by refusing to comply with the subpoena duces tecum. *Id.* at 33. The Plaintiff believes the inspector general's report is relevant to the question of whether the FBI acted arbitrarily or capriciously in refusing to produce documents (*e.g.*, whether the bureau was / is trying to conceal its own misconduct regarding claims of Russian "hacking"), therefore he asks the Court to take judicial notice of that report.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFF
EDWARD BUTOWSKY

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2019, a copy of the foregoing document was filed electronically with the Court's ECF system, which should result in automatic notification to all counsel of record.

Respectfully submitted,



Ty Clevenger

CERTIFICATE OF CONFERENCE

I certify that I conferred via telephone with Asst. U.S. Attorney Robert Wells, counsel for the FBI, and he stated that he did not believe a conference required by Local Rule 7(h) or 7(i) insofar as this request for notice is not a motion. Nonetheless, I conferred with counsel for all of the parties via email, and counsel for the Vox Defendants, New York Times Defendants, and CNN Defendants indicated that their clients did not oppose this request. Counsel for Defendants Gottlieb, Goverski, and Boies Schiller Flexner, LLP indicated that their clients did not take a position on this request.

Respectfully submitted,



Ty Clevenger